

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE AIMMUNE THERAPEUTICS, INC.
SECURITIES LITIGATION

Case No. 20-cv-06733-MMC

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED IN CONNECTION WITH CO-
LEAD PLAINTIFFS' DAUBERT
MOTION TO LIMIT TESTIMONY OF
PAUL A. GOMPERS; DIRECTIONS TO
PLAINTIFFS**

Before the Court is plaintiffs' "Administrative Motion to Consider Whether Another Party's Material Should Be Sealed," filed June 14, 2024 (Doc. No. 155 ("Administrative Motion")), whereby plaintiffs seek to file under seal the following materials, which, plaintiffs state, have been designated as confidential by defendants: (1) portions of "Co-Lead Plaintiffs' Daubert Motion to Limit Testimony of Paul A. Gompers" (Doc. No. 158); and (2) exhibits attached to the "Declaration of Juan E. Monteverde in Support of Co-Lead Plaintiffs' Daubert Motion to Limit Testimony of Paul A. Gompers" (Doc. No. 159 ("Monteverde Declaration")). In response to the Administrative Motion, defendants have filed a Declaration in support of sealing. (See Declaration of Barbara Sanchez (Doc. No. 180).)

The Court having read and considered the above-referenced submissions, the Administrative Motion is hereby GRANTED in part and DENIED in part as follows:

1. To the extent the Administrative Motion seeks leave to file under seal portions of "Co-Lead Plaintiffs' Daubert Motion to Limit Testimony of Paul A. Gompers" the

Administrative Motion is GRANTED as to:¹

- page 2, line 20
- page 5, lines 22-25
- page 14, n.3.

In all other respects, the Administrative Motion is DENIED, the designating parties not having sought to have other portions sealed.

2. To the extent the Administrative Motion seeks leave to file under seal the deposition transcript of Jayson Dallas (December 12, 2023) (Monteverde. Decl. Attachment 1, Doc. No. 159-1), the administrative motion is GRANTED as to the following page and line numbers:

- 19:8
- 19:11-12
- 28:23.

In all other respects, the Administrative Motion is DENIED, the designating parties not having sought to have other portions sealed.

3. To the extent the Administrative Motion seeks leave to file under seal the deposition transcript of Paul Gompers (May 7, 2024) (Monteverde Decl. Attachment 2, Doc. No. 159-2), the administrative motion is GRANTED as to the following page and line numbers:

- 78:20
- 78:23-24
- 79:6-8.

In all other respects, the Administrative Motion is DENIED, the designating parties not having sought to have other portions sealed.

4. To the extent the Administrative Motion seeks leave to file under seal the

¹ The below-listed three pages/line numbers correspond to the text highlighted in gray in Attachment 1 to the Administrative Motion. (See Doc. No. 155-1.)

deposition transcript of Andrew Oxtoby (December 20, 2023) (Monteverde. Decl. Attachment 3, Doc. No. 159-3), the administrative motion is GRANTED as to the following page and line numbers:

- 9:17-18
- 9:21
- 9:24
- 92:21-25
- 152:3-6
- 259:9-16
- 264:24
- 265:5
- 265:10
- 265:12-13
- 265:15-18
- 265:22-24
- 266:7-8
- 266:19-23
- 267:5-6
- 267:9
- 269:7-11
- 270:16.

In all other respects, the Administrative Motion is DENIED, the designating parties not having sought to have other portions sealed.

5. To the extent the Administrative Motion seeks leave to file under seal the Expert Report of William Jeffers dated February 23, 2024 (Monteverde Decl. Exhibit K, Doc. No. 159-4), the administrative motion is GRANTED as to the following:

- page 19, paras. 74 and 75
- page 20-22, paras. 78-84

- page 26, para. 99
- page 26, para. 100
- page 44, para. 164
- page 45, para. 165.

In all other respects, the Administrative Motion is DENIED, the designating parties not having sought to have other portions sealed.

6. To the extent the Administrative Motion seeks leave to file under seal Exhibit 95 to the Monteverde Declaration, Bates stamped Aimmune-0061724-28 (Doc. No. 159-10), the Administrative Motion is GRANTED.

7. To the extent the Administrative Motion seeks leave to file under seal the Expert Report of Paul A. Gompers dated April 12, 2024 (Monteverde Decl. Ex. 132, Doc. No. 159-12), the administrative motion is GRANTED as to the following:

- pages 48-49, paras. 92-94
- page 49, n.220
- page 49, n.222
- page 49, n.223
- pages 49-50, para. 96
- page 50, n.224
- page 50, n.225
- page 50, n.226
- page 51-52, paras. 101
- page 51-52, n.235.

In all other respects, the Administrative Motion is DENIED, the designating parties not having sought to have other portions sealed.

To the extent the Administrative Motion seeks leave to file under seal Exhibits 12, 13, 16, 18, 55, and 96 to the Monteverde Declaration, the Administrative Motion is DENIED, the designating parties not having sought to have those exhibits sealed.

Plaintiffs are hereby DIRECTED to file in the public record, no later than fourteen

days from the date of this order:


a. revised redacted versions of:

- i. "Co-Lead Plaintiffs' Daubert Motion to Limit Testimony of Paul A. Gompers";
- ii. the deposition transcript of Jayson Dallas, Paul Gompers, and Andrew Oxtoby;
- iii. the Expert Report of William Jeffers and the Expert Report of Paul A. Gompers.

b. unredacted versions of Exhibits 12, 13, 16, 18, 55, and 96 to the Monteverde Declaration.

IT IS SO ORDERED.

Dated: September 26, 2024


MAXINE M. CHESNEY
United States District Judge